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Application No. 10/736,679
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REMARKS

Applicants respectfully request reconsideration and withdrawal of the rejection of the claims. By way of the present response, claims 1 and 3 have been amended, claims 4-10 have been canceled, and claims 11-22 have been added. Claims 1-3 and 11-22 currently are pending.

On page 1 of the Office Action, claim 10 was objected to from being dependent on a multiply dependent claim. The cancellation of claim 10 renders this objection moot. On page 6, claims 1 and 3 were objected to for containing minor informalities. It is respectfully submitted that the above amendments address the concerns expressed by the Examiner.

In sections 3 to 7 and 9 of the Action, starting on page 2, claims 1-3 were rejected under 35 U.S.C. §102(b) as being anticipated by Buey et al. in *Chem. Mater.*, Vol. 8, pp. 2375-2381 (1996); claims 1 and 2 were rejected under 35 U.S.C. §102(b) as being anticipated by Diez et al. in *Journal of Materials Chemistry*, Vol. 12, pp. 3694-3698 (2002); claims 1 and 3 were rejected under 35 U.S.C. §102(b) as being anticipated by Cave et al. in *Journal of Organometallic Chemistry*, Vol. 555, pp. 81-88 (1998); claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Saccomando et al. in *Journal of Organometallic Chemistry*, Vol. 601, pp. 305-310 (2000); and claims 1-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Thompson et al. (U.S. Patent Application Publication No. US 2002/0034656 A1). These rejections are respectfully traversed, as each fails to describe the combination of each and every features set forth in amended claim 1.

Initially, Applicants note that the rejection of claims 4-10 has been rendered moot by the cancellation of these claims. Turning now to the rejected pending claims, claim 1 has been amended to limit the substituent R_2 to an alkyl group, an aryl group, a substituted aryl group, a heterocyclic group, or a substituted heterocyclic group. Applicants respectfully submit that the Buey et al., Diez et al., Cave et al., Saccomando et al., and Thompson et al. documents neither describe an organometallic complex including, among other claimed features, a substituent R_2 limited to an alkyl group, an aryl group, a substituted aryl group, a heterocyclic group, or a substituted heterocyclic group. It is respectfully submitted, therefore, that the above-cited documents do not describe all recited features of amended claim 1.

Also with respect to the Thompson et al. publication, the Examiner states, "one of ordinary skill in the art at the time of the invention would have reasonably expected at least alkyl and aryl groups to be suitable substituents since Thompson et al. disclose alkyl and aryl

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substituents as suitable for other luminescent compounds ..." (emphasis added) (see lines 6-9 of page 6 of the Action). This statement is, at best, based on conjecture. As such, it does not constitute any factual basis in the prior art, which could be relied upon to establish a *prima facie* case of obviousness. Furthermore, it is respectfully submitted that the Thompson et al. document does not support any description, implication, or suggestion of a substituent R₂ limited to an alkyl group, an aryl group, a substituted aryl group, a heterocyclic group, or a substituted heterocyclic group. Consequently, the Thompson et al. document would not have led one of ordinary skill in the modifications necessary to arrive at the presently claimed invention.

As described in the present application, use of an electron donating group such as an alkyl group as the substituent R₂ efficiently realizes both fluorescence and phosphorescence (e.g., see lines 7-11 of page 13 of the specification). The above cited documents do not teach or suggest such an advantage provided by the substituent R₂ recited in amended claim 1, much less provide any description that would have suggested the claim 1 combination of features.

For at least these reasons, claim 1 is considered allowable.

Claims 2 and 3 depend from claim 1 and are therefore allowable for the above reasons, and further for the additional features recited.

Similar distinctions are set forth in new independent claims 11 and 17. For example, claims 11 and 17 each recite that an organometallic complex includes *inter alia* a substituent R₂ of an alkyl group, an aryl group, a substituted aryl group, a heterocyclic group, or a substituted heterocyclic group. Hence, claims 11 and 17 and their respective dependent claims 12-16 and 18-22 are considered patentable at least for the above reasons.

In section 7 on page 4 of the Action, claims 1-10 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Hamada et al. (U.S. Patent Application Publication No. US2003/0194580 A1). However, the December 19, 2002 filing date of Applicants' priority document, Japanese Patent Application Serial No. 2002-368990, antedates the February 26, 2003 effective U.S. filing date of the Hamada publication. To overcome this rejection, Applicants are preparing a verified English translation of the priority document, which will be submitted shortly to perfect Applicants' claim for benefit of priority under §119.

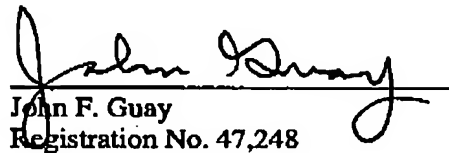
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All objections and rejections in the Office Action having been addressed above, it is respectfully requested that Examiner withdraw the rejections and pass the application to issue. Prompt notification of the same is earnestly solicited.

Respectfully submitted,


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